

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DEMETRIUS BAILEY : CIVIL ACTION  
: NO. 07-719  
v. :  
: DAVID DIGUGLIELMO, et al. :

ORDER

AND NOW, this 23rd day of July 2010, upon consideration of defendants David Diguglielmo, et al.'s motion in limine and plaintiff Demetrius Bailey's response thereto; and plaintiff's motions in limine, it is hereby ORDERED that:

1. Defendants' motion is GRANTED IN PART and DENIED IN PART. Evidence of any previous allegations of abuse filed against defendant Achey by prisoners other than plaintiff, Achey's termination from employment with the Pennsylvania Department of Corrections in 2001 and the facts and circumstances surrounding his reinstatement are excluded. However, plaintiff will be permitted to question defendant Achey on cross-examination about aspects of the evidence which are probative of defendant's character for truthfulness or untruthfulness, including whether he lied to investigators and/or failed to file a truthful report;
2. Plaintiff's motion to exclude the evidence of the prior arrests and convictions of plaintiff Bailey, as well as the history of Bailey's incarceration, including the types of housing units in which he has been housed, and any restrictions placed on his freedom is GRANTED as uncontested;
3. Plaintiff's motion to exclude the evidence of any prior arrests, convictions, or incarceration histories of plaintiff's intended witnesses is GRANTED as uncontested;
4. Plaintiff's motion to exclude the evidence of any prison disciplinary records of

plaintiff's intended witnesses Aaron Washington, Melvin Leslie, Corey Smith, and Joshua Williams is GRANTED as uncontested;

5. Plaintiff's motion to exclude the evidence of any of plaintiff Bailey's prison disciplinary records, with the exception of Misconduct Report Numbers A869299 (dated 11/28/06) and A656219 (dated 1/10/07) is GRANTED as uncontested;

6. Plaintiff's motion to exclude the evidence of the investigations of Lieutenant Hugh Owens regarding defendants' alleged assaults on plaintiff in November and December 2006 and the alleged confinement of plaintiff to inhumane conditions, as well as Lieutenant Owens' interview with plaintiff Bailey is GRANTED as uncontested.

/s/Thomas N. O'Neill, Jr., J.  
THOMAS N. O'NEILL, JR., J.